

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VINCENT DIMICELI,

Plaintiff,

- against -

GALVEX HOLDINGS LTD., GALVEX TRADE LTD.,
GALVEX SERVICES OÜ, GALVEX ESTONIA OÜ,
GALVEX INTERTRADE OÜ, GALVEX CAPITAL
L.L.C., ALVAREZ & MARSAL EUROPE LTD.,
SILVER POINT CAPITAL, L.P., SILVER POINT
EUROPE LLP and SILVER POINT GROUP, LLP,

Defendants.
-----X

No. 07 Civ. 4835
ECF Case

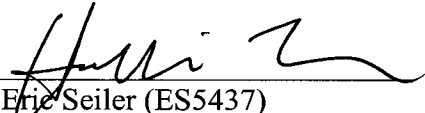
**NOTICE OF MOTION TO
DISMISS THE COMPLAINT**

PLEASE TAKE NOTICE THAT, upon the accompanying declarations of Robert O'Shea, Gay Bronson, and Shephard C. Spink, dated August 20, 2007 and the exhibit thereto, the accompanying memorandum of law, and all prior pleading and proceedings in this action, defendants Galvex Trade Ltd, Galvex Services OÜ, Galvex Estonia OÜ, Galvex Intertrade OÜ, Alvarez & Marsal Europe Ltd., Silver Point Capital, L.P., Silver Point Europe LLP and Silver Point Group, LLP, by and through their undersigned counsel, will move this Court before the Honorable John G. Koeltl, at the United States Court House, 500 Pearl Street, New York, New York 10007, for an order pursuant to Federal Rules of Civil Procedure 12(b)(1), 12(b)(2) and

12(b)(6) dismissing the Complaint.

Dated: New York, New York
August 20, 2007

FRIEDMAN KAPLAN SEILER &
ADELMAN LLP

By: 
Eric Seiler (ES5437)
Hallie B. Levin (HL1628)
John N. Orsini (JO6329)
1633 Broadway
New York, NY 10019
(212) 833-1100

*Attorneys for Defendants Galvex Trade Ltd, Galvex
Services OÜ, Galvex Estonia OÜ, Galvex Intertrade
OÜ, Alvarez & Marsal Europe Ltd., Silver Point
Capital, L.P., Silver Point Europe LLP and Silver
Point Group, LLP*

TO: David P. Mirabella
MIRABELLA & POWERS, LLC
1600 Stewart Avenue, Suite 210
Westbury, New York 11590

Attorneys for Plaintiff